

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 (hereinafter referred to as “the 1988 Act”) for Recovery of Possession of a short assured tenancy

Chamber Ref: FTS/HPC/EV/18/0442

Re: Property at 2/1, 2067 Dumbarton Road, Glasgow, G14 0HY (“the Property”)

Parties:

Mrs Morag McAllister, Tredaire, Killin, KK21 8TN (“the Applicant”)

Mr Surya Konduru, Mrs Manjula Konduru, 2/1, 2067 Dumbarton Road, Glasgow, G14 0HY (“the Respondents”)

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for Recovery of Possession on termination of a short assured tenancy under Section 33 of the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained to parties. Parties understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by, Dawn Blackwood, Fineholm Lettings, 114 Union Street, Glasgow, G1 3QQ

The Respondent Mr Surya Konduru, attended the Tribunal personally without representation. He attended to also represent the views of his wife, the joint tenant, Mrs Konduru.

Preliminary Matters

There were no preliminary matters arising.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Submissions

- 1. The Applicant sought an Order for repossession still. It was explained the tenants had made alternative arrangements to vacate the property in mid July but that an Order was still sought.**
- 2. The Respondent accepted that the lease had been terminated appropriately and understood the position but did indeed explain he and his family had made alternative arrangements and were leaving the property soon.**

Facts Agreed Between Parties

- 1. Both parties accepted that the Applicant was the heritable proprietor of the Property.**
- 2. Both parties accepted that the AT5 had been served correctly at the outset of the tenancy and that the tenancy was a short assured tenancy.**
- 3. Both parties accepted that the relevant notices were valid and had been served terminating the short assured tenancy, proof of appropriate service having been lodged.**

Reasons for Decision

- 4. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.**
- 5. The Tribunal was satisfied that the tenancy was in terms of Section 32(1) of the 1988 Act, a short assured tenancy for not less than 6 months and in relation to which a prescribed notice namely a valid AT5 had been served before creation of the short assured tenancy. The Respondent accepted that the AT5 had been served correctly at the outset of the tenancy.**
- 6. In terms of Section 33 of the 1988 Act the Tribunal considered that the Short Assured Tenancy had reached its ish.**
- 7. Further the Tribunal was satisfied that no tacit relocation was operating, no further contractual tenancy was in existence and a vaild Notice to Quit had been served on the Respondents terminating the tenancy with the necessary notice given to the Respondents.**
- 8. The Respondent accepted that the relevant notices had been received by him. Proof of a correct method of service of the Notice to Quit had been lodged.**

9. Accordingly in terms of Section 33 of the 1988 Act the Tribunal granted an order against the Respondent for possession of the Property.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

K Kirk

27/6/18

Legal Member/Chair /

Date